

REMARKS

Claims 6-14 and 16-21 are pending in this application. By this Amendment, independent claims 6 and 12 are amended to even more clearly distinguish over the applied references. No new matter is added.

I. The Claims Are Patentable over the Applied References

The Office Action (1) rejects claims 6-14, 16-18 and 20-21 under 35 U.S.C. §103(a) over U.S. Patent No. 6,836,663 to Kotzin in view of U.S. Patent No. 6,292,098 to Ebata et al. (Ebata); and (2) rejects claim 19 under 35 U.S.C. §103(a) over Kotzin and Ebata, and further in view of U.S. Patent No. 6,646,676 to DaGraca et al. (DeGraca). Applicant respectfully traverses the rejections.

Regarding independent claims 6 and 12, the applied references fail to disclose or render obvious a watching system in which "the mobile terminal is adapted to put a higher priority on the signal from the remote communication equipment than any other call that is a public call except calls from the watching system" (emphasis added).

Kotzin discloses a wireless communication device 100.

The Office Action acknowledges that Kotzin fails to disclose (1) a watching camera; and (2) that the mobile terminal is adapted to put a higher priority on the signal from the remote communication equipment than any other call. The Office Action cites to Ebata, col. 10, lines 21-31 as allegedly curing the deficiencies of Kotzin.

Ebata discloses a closed surveillance system having cameras 40 (Fig. 1) in which the only communications are internal communications that go over a network 10. Ebata's communications are communications to and/or from operation unit 20, sensors 60, cameras 40, and monitors 16 (Fig. 1). Ebata's system does not include call or voice functionality. Network 10 is a wired network. Ebata shows all network connections as solid links (see Figs. 1-5, 10-11 and 33 indicating wired connections; the connections shown in the figures are

shown as cables (see Figs. 12-15); and Ebata discloses that the network 10 can be an Ethernet network (col. 22, lines 56-60). Ebata does not disclose that the network 10 can be implemented as a wireless network, let alone that the network can be a wireless network compatible with public cell phone technology.

Ebata discloses that an emergency transfer service is given priority over other communications on network 10. The emergency transfer service is used for large volumes of data (col. 10, lines 21-31), such as image data. The emergency transfer service is initiated by a user, for example, to view a suspicious person (col. 9, lines 54-63).

Ebata fails to cure the deficiencies of Kotzin because (1) one of ordinary skill would not have combined Ebata and Kotzin because such a combination would not make sense; (2) one of ordinary skill would not have combined Ebata and Kotzin because the combination would render the system of Kotzin unsuitable for its intended purpose; and (3) even if combined, the proposed combination fails to disclose all the claimed features.

Kotzin is directed to a wireless communication device 100 such as a cellular phone for voice communication and digital transfer (col. 1, lines 14-17). Ebata discloses a wired surveillance system for data communication between sensors, cameras, and monitors. Neither reference discloses a problem in Kotzin (the primary reference) that would be cured by adding a surveillance system as disclosed by Ebata. The Office Action alleges that a sufficient reason to combine Kotzin and Ebata is that "adding functionality is an equally valid reason to combine references and Ebata et al. adds a surveillance function to the invention of Kotzin" (Office Action, Response to Arguments section, page 2). However, the proposed modification of Kotzin by Ebata would result in the wireless communications device 100 of Kotzin being connected by a wired cable to the network 10 of Ebata. The alleged benefit of adding surveillance functionality would be overwhelmed by the hobbling detriment of having the communications device 100 tethered to the wired network 10 of Ebata. Thus, one of

ordinary skill would not have performed the proposed modification and the rejection is improper.

Further, under the proposed combination, the result would be the wireless Kotzin communications device 100 tethered by a wire cable to the network 10 of Ebata. This proposed modification of Kotzin would render the communications device 100 unsuitable for its intended purpose of being a wireless communications device in violation of MPEP §2143.01(V). Thus, the rejection is improper.

However, even if the proposed combination is made, the proposed combination fails to disclose the feature quoted above. Ebata discloses that communication from a camera 40 is given priority under the emergency transfer service as compared to communications from other cameras 40 or sensors 60. Ebata discloses that the emergency transfer function is used, for example, to view a suspicious person (col. 9, lines 54-63). Ebata's system does not include voice call functionality, does not include public call capability, and does not disclose or suggest wireless communication. Thus, there is no disclosure in the applied references, taken as a whole, that Ebata's emergency transfer service would provide priority over calls that are public calls, as claimed.

Further, because Kotzin's communication device 100 is capable of being used for true emergencies, such as, for example, 911 calls or other accident related calls, it would not have been obvious, even if the references are combined as disclosed, to extend (as Ebata does not disclose calls) Ebata's emergency transfer service, which is used to merely view "suspicious persons", to take priority over all calls on Kotzin's communication device 100, as proposed.

In contrast, under the proposed combination, as discussed above, Ebata's emergency transfer service would not take precedence over any public (wireless) call of Kotzin. DeGraca, cited as disclosing other features, does not cure the deficiencies of Kotzin and Ebata.

For the foregoing reasons, Applicant requests withdrawal of the rejections.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

Jonathan H. Backenstose
Registration No. 47,399

MAC:JHB/rxm

Date: July 28, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--